

(1) Second and Final Account and Report of Conservator, (2) Petition for Allowance of Compensation to Conservator and Her Attorney, (3) Termination of Conservatorship (Prob. C. 1860, 1861, 2620, 2623, 2630, 2640, 2942)

Age: 72 years DOB: 5/6/1939		PUBLIC GUARDIAN , Conservator, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 10/17/09 – 2/23-12	1. Petition request termination of the conservatorship of the person and estate. Petitioner states the conservatee no longer has an estate to protect. Petitioner further states alternatives to conservatorship [of the person] exist to address any medical issues that may arise. Therefore, there is no longer a need for a conservatorship of the person. Petition does not state what those alternatives are. Also, Petitioner was appointed conservator with medical consent and dementia powers. A doctor determined that the conservatee lacked the capacity to give informed consent to medical treatment. Court may require more information. 2. Need proof of service of the Notice of Hearing on: a. Kelly Winegar (son) b. Lee MacClelland (daughter) c. James Herring (brother) -Probate Code §1460(b)(6)
		Accounting - \$129,097.93	
		Beginning POH - \$ 95,761.18	
		Ending POH - \$ 1,696.57	
Cont. from		Conservator - \$5,607.20 (49.70 Deputy hours @ \$96/hr and 11.00 Staff hours @ \$76/hr)	
	Aff.Sub.Wit.	Attorney - \$1,000.00 (less than allowed per Local Rule)	
✓	Verified	Bond fee - \$56.25 (o.k.)	
	Inventory	Petitioner states the conservatee's only income derives from social security and a small annuity. She no longer has an estate to protect. Given that alternatives to conservatorship exist to address any medical issues that may arise and that the conservatee's income and expenses can be managed in a less costly manner through an institutional payee, there is no longer a need for a conservatorship of the person or of the estate.	
	PTC	Petitioner request that due to the insufficiency of the estate to pay the fees and commissions that a lien be imposed upon the estate for any unpaid balances of the authorized fees and commissions.	
	Not.Cred.	Petitioner prays for an Order:	
✓	Notice of Hrg	1. Approving, allowing and settling the second and final account.	
✓	Aff.Mail	2. Authorizing the conservator and attorney fees and commissions	
	Aff.Pub.	3. Payment of the bond fee	
	Sp.Ntc.	4. Authorize petitioner to impose a lien on the estate for any unpaid balances of authorized fees and commissions.	
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		Court Investigator Julie Negrete's Report filed on 10/13/2011	Reviewed by: KT Reviewed on: 4/10/12 Updates: Recommendation: File 1 - Winegar

Report of Sale and Petition for Order Confirming Sale of Real Property - 200 Tyler Street

DOD: 04/15/10		<p>DANIEL M. O'QUINN, Administrator without bond, is Petitioner.</p> <p>Sale Price - \$10,000.00 Overbid - \$1,000.00</p> <p>Reappraisal - \$26,000.00</p> <p>Property - 200 Tyler St. Coalinga, CA</p> <p>Publication - The Business Journal</p> <p>Buyer - RICHARD A. McCABE, as his separate property</p> <p>Broker - None</p> <p>Declaration of Daniel M. O'Quinn, Administrator filed 01/19/12 states that the property is in a dilapidated and uninhabitable condition and he estimates that it would cost tens of thousands of dollars to correct the habitability issues (roofing, windows, lack of appropriate heat, flooring issues) and to remove junk from the premises. Based on the condition of the home, Petitioner has deemed it appropriate to sell the property to a willing investor in an as-is condition. Petitioner made inquiries to investors and was able to obtain a bid on the property. Petitioner also made inquiries with real estate brokers who market properties in the Coalinga area; however, the decision was made not to use the services of a broker because commissions and other expenses would reduce the funds available to the estate, it was also inferred, but not directly stated, by the brokers that the anticipated sales price of the property would not generate enough commission in relation to the amount of effort marketing the property would take. Petitioner states that he was granted full IAEA authority to sell the property and is also authorized by decedent's will to sell the property without a prior order of the court, but due to the circumstances, decided to seek court approval of the sale so that any interested party could express their concerns regarding the sale. Petitioner states that although the offer is less than ½ the appraised value of the property, it is his opinion that the offer is fair and reasonable given the current condition of the property, especially since the estate does not have sufficient assets to make repairs to the property to make it more marketable.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 02/23/12</u> Minute order from 02/23/12 states: No overbids in open court. Counsel requests a continuance.</p> <p>As of 04/10/12, no new documents have been filed and the following items remain:</p> <ol style="list-style-type: none"> 1. Petition is not signed by attorney. 2. Pursuant to Probate Code § 10308(c) - Need proof of service by mail at least 15 days before the hearing of the <i>Notice of Hearing</i> on: - Richard A. McCabe (purchaser) - Wells Fargo Card Services (Request for Special Notice filed 11/12/10) 3. The sales price is only 38.46% of the appraised value of the property. Probate Code § 10309 states that no sale of real property at private sale shall be confirmed by the Court unless the sum offered is at least 90% of the appraised value. Need reappraisal for sale or higher offer. 4. Need Order.
Cont. from 022312			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
	Aff.Mail x		
✓	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order x		
✓	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

Report of Sale and Petition for Order Confirming Sale of Real Property - 220 Tyler Street

DOD: 04/15/10		<p>DANIEL M. O'QUINN, Administrator without bond, is Petitioner.</p> <p>Sale Price - \$10,000.00 Overbid - \$1,000.00</p> <p>Reappraisal - \$22,000.00</p> <p>Property - 220 Tyler St. Coalinga, CA</p> <p>Publication - The Business Journal</p> <p>Buyer - RICHARD A. McCABE, as his separate property</p> <p>Broker - None</p> <p>Declaration of Daniel M. O'Quinn, Administrator filed 01/19/12 states that the property is in a dilapidated and uninhabitable condition and he estimates that it would cost tens of thousands of dollars to correct the habitability issues (roofing, windows, lack of appropriate heat, flooring issues) and to remove junk from the premises. Based on the condition of the home, Petitioner has deemed it appropriate to sell the property to a willing investor in an as-is condition. Petitioner made inquiries to investors and was able to obtain a bid on the property. Petitioner also made inquiries with real estate brokers who market properties in the Coalinga area; however, the decision was made not to use the services of a broker because commissions and other expenses would reduce the funds available to the estate, it was also inferred, but not directly stated, by the brokers that the anticipated sales price of the property would not generate enough commission in relation to the amount of effort marketing the property would take. Petitioner states that he was granted full IAEA authority to sell the property and is also authorized by decedent's will to sell the property without a prior order of the court, but due to the circumstances, decided to seek court approval of the sale so that any interested party could express their concerns regarding the sale. Petitioner states that although the offer is less than 1/2 the appraised value of the property, it is his opinion that the offer is fair and reasonable given the current condition of the property, especially since the estate does not have sufficient assets to make repairs to the property to make it more marketable.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 02/23/12</u> Minute order from 02/23/12 states: No overbids in open court. Counsel requests a continuance.</p> <p>As of 04/10/12, no new documents have been filed and the following items remain:</p> <p>5. Petition is not signed by attorney.</p> <p>6. Petition states that the appraised value of the property is \$22,000.00; however, according to the Inventory & Appraisal filed 12/28/11, the property is valued at \$26,000.00.</p> <p>7. Pursuant to Probate Code § 10308(c) - Need proof of service by mail at least 15 days before the hearing of the <i>Notice of Hearing</i> on: - Richard A. McCabe (purchaser) - Wells Fargo Card Services (Request for Special Notice filed 11/12/10)</p> <p>8. The sales price is only 38.46% of the appraised value of the property. Probate Code § 10309 states that no sale of real property at private sale shall be confirmed by the Court unless the sum offered is at least 90% of the appraised value. Need reappraisal for sale or higher offer.</p> <p>9. Need Order.</p>	
Cont. from 022312				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input type="checkbox"/>	Aff.Mail			x
<input checked="" type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input type="checkbox"/>	Order	x		
<input checked="" type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			

First and Final Account and Report of Administration and Petition for Settlement Thereof; (2) for Allowance of Statutory Attorneys' and Executor's Compensation; (3) for Reimbursement of Costs Advanced; and (4) for Final Distribution [Prob. C. 1060 et seq., 10800, 10810, 10811, 12201]

DOD: 10/26/2010		NANCY ANN ZANDER , Executor, is petitioner.		NEEDS/PROBLEMS/COMMENTS:	
		Account period: 10/26/10 – 1/30/12		1. <i>Need Notice of Hearing.</i>	
Cont. from		Accounting - \$288,239.41		2. Need proof of service of the <i>Notice of Hearing</i> on:	
	Aff.Sub.Wit.	Beginning POH - \$286,720.83		a. Thomas Lord	
✓	Verified	Ending POH - \$285,699.96		b. Steven Lord	
✓	Inventory	Executor (statutory) - \$8,741.11		3. Attorney costs include \$37.00 for runner service. Local Rule 7.17B states runner services are considered by the court to be part of the cost of doing business, and are not reimbursable.	
✓	PTC	Executor costs (funeral expenses) - \$4,807.23			
✓	Not.Cred.	Attorney (statutory) - \$8,741.11			
	Notice of Hrg	X	Attorney costs - \$1,232.50		
	Aff.Mail	X	(filing fees, probate referee, certified copies, publication & runner service)		
	Aff.Pub.		Closing - \$2,000.00		
	Sp.Ntc.		Distribution, pursuant to Decedent's Will, is to:		
	Pers.Serv.		Jeffrey Eppler – Photographic slides		
	Conf. Screen		Hanna S. Barsam - Hewlett Packard Computer		
✓	Letters	5/23/11	Nancy Zander – Furniture & furnishings, clothing and personal effects, cemetery plot and \$86,842.67		Reviewed by: KT
	Duties/Supp		Thomas Lord - 2 cemetery plots and \$86,492.67		Reviewed on: 4/10/12
	Objections		Steven Lord - Cemetery plot and \$86,842.67		Updates:
	Video Receipt				Recommendation:
	CI Report				File 4 - Lord
✓	9202				
✓	Order				
	Aff. Posting				
	Status Rpt				
	UCCJEA				
	Citation				
✓	FTB Notice				

(1) First and Final Account and (2) Petition for Settlement of First and Final Account and (3) Final Distribution and (4) for Allowance of Compensation for Ordinary Services for Petitioner and Petitioner's Attorney

DOD: 3/22/11		BONNIE FAYE JUSTHAM,		NEEDS/PROBLEMS/COMMENTS:	
		Executor, is petitioner.		<p>1. Paragraph Third of the Will states, "I am a widow. I have three children now living whose name are Raymond Kenneth Duren, JoAnn Smith, and Bonnie Faye Justham. I have one son Danny Russell, now deceased and no other Living children. As used herein the term children shall include the above now living children."</p> <p>Paragraph Fifth of the Will states, "I give all my estate in equal shares to my issue, by righ (sic) of representation, who survive my death by 15 days."</p> <p>Petitioner proposes to distribute the estate in equal shares to the three living children of the decedent.</p> <p>Paragraph Fifth of the Will devises the estate to the "issue" of the decedent and not the "children" of the decedent. Probate Code §50 states "'Issue" of a person means all his or her lineal descendants of all generations, with the relationship of parent and child at each generation being determined by the definition of child and parent."</p> <p>It appears that the issue would include the issue of the deceased son, Danny Russell. Therefore Danny's issue would be entitled their father's share of the estate.</p> <p>2. Order does not comply with Local Rule 7.6.1F. Need new order.</p>	
		Account period: 5/23/11 – 3/12/12			
Cont. from					
	Aff.Sub.Wit.	Accounting	- \$134,612.42		
✓	Verified	Beginning POH	- \$133,757.91		
✓	Inventory	Ending POH	- \$132,745.66		
✓	PTC	Executor	- \$5,038.70		
✓	Not.Cred.	(statutory)			
✓	Notice of Hrg	Attorney	- \$5,038.70		
✓	Aff.Mail	(statutory)			
Aff.Pub.				<p>Petitioner proposes to distribute the estate in equal shares to the three living children of the decedent.</p> <p>Paragraph Fifth of the Will devises the estate to the "issue" of the decedent and not the "children" of the decedent. Probate Code §50 states "'Issue" of a person means all his or her lineal descendants of all generations, with the relationship of parent and child at each generation being determined by the definition of child and parent."</p> <p>It appears that the issue would include the issue of the deceased son, Danny Russell. Therefore Danny's issue would be entitled their father's share of the estate.</p> <p>2. Order does not comply with Local Rule 7.6.1F. Need new order.</p>	
Sp.Ntc.		Closing	- \$100.00		
Pers.Serv.					
Conf. Screen		Proposed distribution (see note #1) is to:			
✓	Letters 5/23/11	Raymond Kenneth Duren – 1/3 interest in real property and \$889.42			
Duties/Supp					
Objections					
Video Receipt					
CI Report		JoAnn Smith – 1/3 interest in real property and \$889.42			
✓	9202				
✓	Order	Bonnie Faye Justham – 1/3 interest in real property and \$889.42			
Aff. Posting				<p>Reviewed by: KT</p> <p>Reviewed on: 4/10/12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 5 - Duren</p>	
Status Rpt					
UCCJEA					
Citation					
✓	FTB Notice				

Frank J. Sanders DOD: 8-3-2011		NELSON RISING , Successor Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. The Petition does not state the name and address of each person entitled to notice pursuant to Probate Code §17201. <i>Note: It appears all appropriate parties have been served, but Examiner is unable to confirm without a <u>verified</u> comprehensive list from the Petitioner as required by Probate Code §17201.</i>
Jane T. Sanders DOD: 2003			
		Petitioner states: Frank and Jane Sanders had two daughters: Sharon Rising (age 70) and Linda Sanders (age 67). Petitioner is Sharon's husband and was appointed Successor Trustee per the 5 th Amendment. The trust was amended six times between 1991 and 2003 (when Jane died). Each amendment was prepared by Attorney Paul Chambers, Mr. Sanders' attorney for over 35 years. Trust assets include, in addition to numerous other assets, a "Fresno Residence" and a vacation home (the "Pebble Beach Property"). Trust, schedules, and amendments are attached.	
	Aff.Sub.Wit.	Jane died in 2003. In May 2006, Frank remained concerned with Linda's past difficulties managing her personal and financial affairs and on 5-25-06 executed the 7th Amendment, which provides for distribution of the Fresno Residence to Linda upon Mr. Sanders' death, to assure that Linda would always have a place to live.	
✓	Verified		
	Inventory	Mr. Sanders died on 8-3-11 at age 99 and Petitioner became the Successor Trustee. During his lifetime, he encumbered the Pebble Beach Property with a reverse mortgage. After his death, Petitioner was informed by the mortgage holder that the amount outstanding was approx. \$2,675,980 (statement attached), which pursuant to a due on death clause, had to be paid to avoid foreclosure. The trust does not have sufficient cash to redeem the mortgage, but it is Petitioner's belief that the Pebble Beach Property can be sold for well in excess of the amounts owed, with any excess proceeds to be distributed to all beneficiaries, including Linda and her child. Petitioner has obtained two extensions from the mortgage holder to delay foreclosure to market and sell the property. The second extension expires in early April and Petitioner's efforts to list and sell the property are ongoing.	
	PTC		
	Not.Cred.	However, the prospects of avoiding foreclosure have been placed in jeopardy by Linda. Immediately following Mr. Sanders' death, Linda produced a 2-19-11 codicil by which she claimed Frank Sanders purported to modify the terms of the Sanders Trust by attempting to grant her a "life estate" with respect to the property then held within, and subject to, the Sanders Trust. Specifically, Mr. Sanders purportedly signed a codicil to his will with a typewritten passage stating that it was his "wish" that the Pebble Beach Property remain as part of the family holdings and be maintained in an "As Is" condition with no major changes to the structure or property, and that Linda be able to live in the home until she passes away. He would also "like" to see that the home and property be maintained with any available funding generated from his estate until Linda is no longer alive.	
✓	Notice of Hrg		
✓	Aff.Mail	Linda's claim that a will or codicil expressing Mr. Sanders' alleged "wish" or what he allegedly would "like" could or did transfer to her any interest in the Pebble Beach Property then held by the trust is patently frivolous as a matter of law. However, the mere existence of the claim will in all likelihood seriously jeopardize Petitioner's ongoing attempts to market and sell the property for an amount in excess of the amount owed, for excess funds that would be available for distribution to all beneficiaries. This is because, although frivolous, it is nonetheless ethically appropriate to disclose the claim to the real estate broker and any potential buyers. Thus, the existence of the claim will prevent Petitioner from obtaining full market value in a private sale, thereby harming all beneficiaries, or prevent Petitioner from being able to sell the property at all, which would lead to foreclosure and result in all beneficiaries receiving nothing.	
	Aff.Pub.		
	Sp.Ntc.	SEE PAGE 2	
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

Reviewed by: skc

Reviewed on: 4-11-12

Updates:

Recommendation:

File 6 - Sanders

The codicil's attempt to modify or amend the trust are void as a matter of law pursuant to the trust provisions and Probate Code §§ 15401 and 850. For the moment, Petitioner will ignore the fact that the sole intent of the Seventh Amendment was to provide Linda with a place to live (the Fresno Residence) following his death and, thus, the codicil's attempt to grant her a life estate in the Pebble Beach Property to assure she had somewhere to live is both unnecessary and obviously highly suspicious. Petitioner will also ignore for the moment the numerous witnesses that would testify Mr. Sanders was not competent to make any decisions as of February 2011. Thankfully, neither Petitioner nor the Court need address or get mired down in the factual disputes that these issues would present.

Instead, Petitioner is relying entirely upon well established and black letter law that renders void any attempts to modify the terms of a trust, or create interests in property held by a trust, by way of a will or codicil unless the trust specifically allows amendments by way of will or codicil.

- *Masry v. Masry* (2008) 166 Cal.App 4th 738 (*Probate Code* Section 15401 governs how and when a settler may revoke a trust and remove assets from the trust);
- *Gardenhire v. Superior Court* (2005) 127 Cal.App.4th 882 (attempts to modify and remove assets from trust via will are subject to *Probate Code* Section 15401).

Trust Section 2.03(A) and (D): Any purported amendment revoking, modifying, or removing/encumbering property in the trust could be made only “by an instrument in writing (***other than a will***).” The term “Will” “***includes codicil*** and any testamentary instrument which merely appoints an executor or revokes or revises a prior will.” See *Probate Code* Section 88.

Probate Code* Section 15401(a):** a revocable trust may be revoked or modified in whole or part by compliance with the trust instrument, or by a writing (other than a will***) signed by the settlor and delivered to the trustee during the lifetime of the settlor. If the trust instrument explicitly makes the method of revocation provided in the trust instrument the exclusive method of revocation, the trust may not be revoked pursuant to this paragraph.

At the time of execution of the purported codicil, the Pebble Beach Property was, and absent an effective amendment remained, property of the trust. As set forth above, the codicil was clearly not sufficient to transfer any interest in the Pebble Beach Property to Linda as a matter of law under either *Probate Code* Section 15401(a)(1) or (a)(2), as both the terms of the trust and the statute required any amendment removing trust property to be made by a document “other than a will.” The codicil, the equivalent to a “will” under *Probate Code* Section 88, could not and did not amend the trust nor create any interest on the part of Linda in the Pebble Beach Property.

Probate Code Section 850 allows the trustee to file a petition requesting court order regarding title to property where interest is claimed by another. As noted above, the codicil and Linda's misguided belief as to its ability to create or transfer to her any rights in the Pebble Beach Property held by the trust is of no legal significance. However, the simple existence of the codicil and Linda's pronouncements of interests will cause irreparable harm as stated above.

The mere fact that Linda is asserting such claim is causing irreparable harm to the trust and all beneficiaries, including Linda, in that even the threatened cloud on title will in all likelihood reduce the market price of a private sale, or, worse, result in foreclosure.

Petitioner requests an order pursuant to *Probate Code* Sections 17200 and 850:

1. **Confirming and approving Petitioner's efforts and authority to sell the property for as much over the amount owed as possible in an effort to avoid foreclosure, and to distribute any remaining sale proceeds pursuant to the terms of the trust;**
2. **Declaring the purported codicil null and void pursuant to the terms of the trust and *Probate Code* Sections 88 and 15401;**
3. **Confirming that the codicil granted Linda no interest in the Pebble Beach Property other than those set forth under the trust and all amendments, nor imposed any restrictions on the use of the property, which the Petitioner can then provide to all potential buyers to increase the possible sale price which will benefit all beneficiaries, including Linda; and**
4. **Providing any other relief as the Court deems just and proper.**

Petitioner states these orders are within the Court's jurisdiction and discretion, and are vitally necessary to protect the interests of all beneficiaries, including Linda, by allowing Petitioner to proceed with his efforts to fend off foreclosure and try and maximize the sale price of the Pebble Beach Property.

Petition for Appointment of Probate Conservator of the Person and Estate (Prob. C 1820, 1821, 2680-2682)

Age: 63 years DOB: 8/15/1948		<u>Temporary Expires 4/18/2012</u>		NEEDS/PROBLEMS/COMMENTS:		
		GRANT A. MACFADDIN , son, is petitioner and requests that he be appointed as conservator of the person with medical consent powers and that GARY S. DUNN, CPA be appointed as conservator of the estate with bond set at \$121,200.00.		<ol style="list-style-type: none"> Pursuant to Probate Code §2320(c)(4) and California Rule of Court, Rule 7.207 bond should be set at \$132,000.00 Capacity Declaration filed on 3/12/12 is incomplete at item 4a and 4b. Date the doctor last saw the conservatee and whether or not the conservatee is under his continuing care. Need Video Viewing Receipt for proposed conservator Grant A. Macfadden. 		
Cont. from						
Aff.Sub.Wit.						
✓ Verified						
Inventory		<u>Estimated value of the Estate:</u> Personal property - \$ 30,000.00 Annual income - \$ 90,000.00 Total - \$120,000.00		Capacity Declaration of Dr. Ali Rashidian dated 3/9/12. Petitioner states the proposed conservatee suffered a major stroke on 2/5/12. He is unable to care for himself or communicate except for squeezing his hand for yes and no and it is unclear whether or not he understands.		
PTC						
Not.Cred.						
✓ Notice of Hrg						
✓ Aff.Mail		W/	Court Investigator Samantha Henson to Provide: <ol style="list-style-type: none"> Court Investigator's Report Advisement of Rights 			
Aff.Pub.						
Sp.Ntc.						
Pers.Serv.						
✓ Conf. Screen		Reviewed by: KT Reviewed on: 4/11/12 Updates: Recommendation: File 7 - MacFaddin				
✓ Letters						
✓ Duties/Supp						
Objections						
Video Receipt						
CI Report						X
9202						
✓ Order						
Aff. Posting						
Status Rpt						
UCCJEA						
✓ Citation						
FTB Notice						

DOD: 2-19-11		SHANISE EARL JOHNSON , Granddaughter and Conservator of the Person and Estate, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		The Conservatee passed away on 2-19-11.	Note: Petitioner filed two separate petitions for the account periods, but for the sake of efficiency, Examiner has reviewed the petitions together.
Cont. from 021512		Account period: 8-17-10 through 2-19-11	1. Need documentation regarding joint tenancy of the real property and declaration pursuant to Probate Code §13100 for distribution of the remaining cash and personal property.
	Aff.Sub.Wit.		
✓	Verified	Accounting: \$150,031.40	
	Inventory	Beginning POH: \$141,411.40	
	PTC	Ending POH: \$143,735.35	
	Not.Cred.	Account period: 2-20-11 through 5-31-11	
	Notice of Hrg		
	Aff.Mail	Accounting: \$144,109.35	
	Aff.Pub.	Beginning POH: \$142,385.35	
	Sp.Ntc.	<i>(This is the Ending POH from the last period less the burial plot amount.)</i>	
	Pers.Serv.	Ending POH: \$136,558.72	
	Conf. Screen	(\$1,153.72 cash plus real property, vehicle, and household furnishings/personal property with carry values totaling \$135,405.00)	
	Letters	Petitioner prays for an order:	
	Duties/Supp		
	Objections	1. Approving, allowing and settling the accounts	
	Video Receipt	2. Approving the acts of the Conservator	
	CI Report	3. Distribution of the assets to Petitioner as the sole heir.	
	9202	4. Termination of the conservatorship	
✓	Order		
	Aff. Posting	Reviewed by: skc	
	Status Rpt	Reviewed on: 4-13-12	
	UCCJEA	Updates:	
	Citation	Recommendation:	
	FTB Notice	File 8 - Earl	

Status Hearing Re: Filing of Inventory and Appraisal (Flores')

Age: 16	ESPIRIDION FLORES and VIRGINIA FLORES , maternal uncle and aunt, served as guardian of the person and estate from 09/17/09 – 01/25/12. The order required all of the minor's monies to be deposited in a blocked account. A declaration filed 04/10/10 indicates that the minor's blocked account had a balance of \$42,199.72. On 11/22/11, MARY MORALES , maternal grandmother, petitioned to terminate the guardianship of Mr. & Mrs. Flores and petitioned to be appointed as Guardian of the Person and Estate. MARY MORALES , maternal grandmother, was appointed guardian of the person and estate on 01/25/12. Minute Order from 01/25/12 set this matter for status re filing the Inventory & Appraisal.		NEEDS/PROBLEMS/COMMENTS: 1. Need Inventory & Appraisal.	
DOB: 06/02/95				
Cont. from				
Aff.Sub.Wit.				
Verified				x
Inventory				
PTC				
Not.Cred.				
Notice of Hrg		Reviewed by: JF Reviewed on: 04/11/12 Updates: Recommendation: File 9 - Morales		
Aff.Mail				
Aff.Pub.				
Sp.Ntc.				
Pers.Serv.				
Conf. Screen				
Letters				
Duties/Supp				
Objections				
Video Receipt				
CI Report				
9202				
Order				
Aff. Posting				
Status Rpt				
UCCJEA				
Citation				
FTB Notice				

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 3	NO TEMPORARY – none requested. AMELIA HARDY , Paternal Grandmother, is Petitioner. Father: MILIKE NOOR Mother: EDDISHA DAVE Paternal Grandfather: Edward Dave Maternal Grandfather: Not listed Maternal Grandmother: Not listed Half-Brother: Morris Griffen Petitioner states she is helping with her granddaughter while Mother attends school. Court Investigator Jo Ann Morris filed a report on 12-30-11 in connection with the prior petition.	NEEDS/PROBLEMS/COMMENTS: <u>Continued from 1-10-12.</u> <u>Note:</u> Petitioner was previously appointed temporary guardian on 4-18-11; however, there were no appearances at the general hearing on 10-18-11 and the petition was denied and dismissed. This petition was filed 11-2-11 (two weeks later) without a temporary request. <u>If this petition goes forward, the following issues exist:</u> <p style="text-align: center;"><u>SEE PAGE 2</u></p>				
DOB: 11-27-08						
Cont. from 011012, 021512						
Aff.Sub.Wit.						
Verified <input checked="" type="checkbox"/>						
Inventory						
PTC						
Not.Cred.						
<input checked="" type="checkbox"/> Notice of Hrg						
Aff.Mail <input checked="" type="checkbox"/>						
Aff.Pub.						
Sp.Ntc.						
Pers.Serv. <input checked="" type="checkbox"/>						
<input checked="" type="checkbox"/> Conf. Screen						
<input checked="" type="checkbox"/> Letters						
<input checked="" type="checkbox"/> Duties/Supp						
Objections						
Video Receipt						
<input checked="" type="checkbox"/> CI Report						
<input checked="" type="checkbox"/> Clearances						
<input checked="" type="checkbox"/> Order						
Aff. Posting						
Status Rpt						
<input checked="" type="checkbox"/> UCCJEA <input checked="" type="checkbox"/>						
Citation						
FTB Notice						
<table border="1"> <tr> <td>Reviewed by: skc</td> </tr> <tr> <td>Reviewed on: 2-3-12</td> </tr> <tr> <td>Updates:</td> </tr> <tr> <td>Recommendation:</td> </tr> <tr> <td>File 10 - Dave</td> </tr> </table>		Reviewed by: skc	Reviewed on: 2-3-12	Updates:	Recommendation:	File 10 - Dave
Reviewed by: skc						
Reviewed on: 2-3-12						
Updates:						
Recommendation:						
File 10 - Dave						

NEEDS/PROBLEMS/COMMENTS (Continued):

If this petition goes forward, the following issues exist:

- 1. The Petition and the UCCJEA are not verified.**
- 2. Petitioner includes the child on the Declaration of Due Diligence with Morris Griffen, listed as Half-Brother. The declaration also indicates that Petitioner spoke with Morris Griffen in order to look for him. Need clarification.**
- 3. UCCJEA at #3 lists the current address for the child in Queen Creek, Arizona and states “Babysitting” but does not state the name of the person the child is with. At #6 the UCCJEA states Morris Griffen has physical custody of the child, but Examiner notes that Petitioner also filed a Declaration of Due Diligence for Morris Griffen and the child (#2 above). Need clarification.**
- 4. Need Notice of Hearing for 2-15-12 hearing date.**
- 5. Need proof of personal service of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing per Probate Code §1511 or consent and waiver of notice or declaration of due diligence on:**
 - Milike Noor (Father)**
 - Eddisha Dave (Mother)**

(A Notice of Hearing filed 3-8-12 indicates personal service of the notice without a copy of the petition on both parents at different locations at the exact same time.)
- 6. Need proof of service of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing per Probate Code §1511 or consent and waiver of notice or declaration of due diligence on:**
 - Edward Dave (Paternal Grandfather)**
 - Maternal Grandfather (Not listed)**
 - Maternal Grandmother (Not listed)**
 - Morris Griffen (Half-Brother / has physical custody)**

Note: *A Notice of Hearing was filed 2-7-12, but the proof of service was not signed. Stapled to the document is what appears to be a copy of a certified mail receipt (not an original) indicating that something was sent to Morris Griffin. However, Examiner notes that such receipt is not an acceptable form of service.*

- 7. Proposed Order and Letters submitted are illegible. If granted, Examiner will prepare.**

Age: 12		NO TEMPORARY REQUESTED	NEEDS/PROBLEMS/COMMENTS:
DOB: 11-20-99		TAMIA M. LEAVY, Sister, is Petitioner.	<u>Minute Order 11-30-11:</u> Examiner Notes provided to Petitioner. Petitioner is directed to cure the defects. The Court continues the matter to 2-1-12. The Court orders that a Court Investigator contact CPS to follow up on the Petitioner's participation in the programs she was directed to attend during the TDM.
		Father: Deceased	<u>Minute Order 2-1-12:</u> No appearances. The Court continues the matter to 3-14-12. A copy of the minute order was mailed to Petitioner on 2-3-12.
		Mother: Deceased	<u>Minute Order 3-14-12:</u> Petitioner informs the Court that she and the minor are scheduled to begin classes on 3-27-12. Examiner Notes provided to Petitioner; Petitioner directed to cure the defects. Matter continued to 4-18-12. The Court orders that a Court Investigator contact Petitioner and minor to follow up with their participation in classes.
Cont. from 113011, 020112, 031412		Paternal Grandfather: Not listed	<u>As of 4-9-12, nothing further has been filed. Guardianship cannot go forward without the following mandatory items:</u>
<input type="checkbox"/>	Aff.Sub.Wit.	Paternal Grandmother: Not listed	1. Need Confidential Guardianship Screening Form (GC-212).
<input checked="" type="checkbox"/>	Verified	Maternal Grandfather: Not listed	2. Need Duties of Guardian (GC-248)
<input type="checkbox"/>	Inventory	Maternal Grandmother: Austrila Vines	3. Need Notice of Hearing.
<input type="checkbox"/>	PTC	Siblings: Dewayne Gaster, Tehada Hale (ages not listed)	4. Need proof of personal service of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing per Probate Code §1511 or consent and waiver of notice on <u>Lorenzo D. Leavy (age 12)</u> .
<input type="checkbox"/>	Not.Cred.	Petitioner states she is the only thing close to a mother that he has and requests to let him stay close to home. She loves her brother and has taken care of him his whole life and knows he wants to succeed in life.	5. Need proof of service of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing per Probate Code §1511 or consent and waiver of notice or declaration of due diligence on:
<input type="checkbox"/>	Notice of Hrg		- Paternal Grandfather
<input type="checkbox"/>	Aff.Mail		- Paternal Grandmother
<input type="checkbox"/>	Aff.Pub.		- Maternal Grandfather
<input type="checkbox"/>	Sp.Ntc.		- Maternal Grandmother
<input type="checkbox"/>	Pers.Serv.		- Tehada Hale (Sibling age 35)
<input type="checkbox"/>	Conf. Screen		- Shaniea Easter (Sibling age 30)
<input type="checkbox"/>	Letters		- Dewayne Easter (Sibling age 29)
<input type="checkbox"/>	Duties/Supp		- Hosea Leavy (Sibling age 21)
<input type="checkbox"/>	Objections		- Latifah Leavy (Sibling age 19)
<input type="checkbox"/>	Video Receipt		- Marquise Leavy (Sibling age 15)
<input checked="" type="checkbox"/>	CI Report		- Parent/Guardian of Marquise
<input checked="" type="checkbox"/>	Clearances		- Any other siblings age 12 or older, and parent or guardian, if still a minor
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		Reviewed by: skc
<input type="checkbox"/>	Status Rpt		Reviewed on: 4-9-12
<input checked="" type="checkbox"/>	UCCJEA		Updates:
<input type="checkbox"/>	Citation		Recommendation:
<input type="checkbox"/>	FTB Notice		File 11 - Leavy

Atty Castillo, Filimon, Jr (pro per Petitioner/paternal grandfather)

Atty Castillo, Josephine (pro per Petitioner/paternal grandmother)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Jovane age: 16 years DOB: 1/28/1996		<p align="center"><u>TEMPORARY EXPIRES 4/18/12</u></p> <p>JOSEPHINE CASTILLO and FILIMON CASTILLO, paternal grandparents, are petitioners.</p> <p>Father: MICHAEL CASTILLO – <i>deceased</i>.</p> <p>Mother: MACELLA VARELA</p> <p>Maternal grandfather: Vincent Varela - <i>served on 2/27/12</i>.</p> <p>Maternal grandmother: Virginia Varela-Ruiz – <i>served on 2/27/12</i>.</p> <p>All three minors consent and waive notice.</p> <p>Petitioners state the minors and their mother lived with them since 2005. Petitioners state the mother was in an out of the home, with her longest absence being about 2 years. Petitioners state they have always been the primary caregivers for the children. Mom came to the home and demanded the children go with her. None of the children wanted to go. Mom allowed the two older children to stay but wanted the younger child to go with her. Mom is now threatening to move to Michigan with the children where she has no permanent housing or known source of income</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need proof of personal service of the <i>Notice of Hearing</i> along with a copy of the <i>Petition or Consent and Waiver of Notice or Declaration of Due Diligence</i> on:</p> <p>a. Macella Varela (mother)</p> <p>Court Investigator Samantha Henson to provide:</p> <p>1. Court Investigator's Report 2. Clearances</p>
Kiana age: 13 years DOB: 1/3/1999			
Tiara age: 10 years DOB: 7/24/01			
Cont. from			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail	W/		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.	X		
✓ Conf. Screen			
✓ Letters			
✓ Duties/Supp			
Objections			
Video Receipt			
CI Report	X		
9202			
✓ Order			
Aff. Posting			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: KT</p> <p>Reviewed on: 4/11/12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 12 - Castillo</p>	

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 10 years DOB: 2/26/2002		<u>TEMPORARY EXPIRES 4/18/12</u>	NEEDS/PROBLEMS/COMMENTS:
		JANE ANN BOULGER , maternal grandmother, is petitioner.	
Cont. from		Father: RYAN ORTIZ – <i>personally served on 3/1/12</i>	
	Aff.Sub.Wit.		
✓	Verified	Mother: JENNIFER AUSTIN – <i>personally served on 3/1/12.</i>	
	Inventory		
	PTC	Paternal grandfather: Raymond Ortiz – <i>served on 2/24/12.</i>	
	Not.Cred.		
✓	Notice of Hrg	Paternal grandmother: Lena Ackerman - <i>served on 2/24/12.</i>	
✓	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	W/	
✓	Conf. Screen		
✓	Letters	Petitioner states mom is using meth, is bi-polar and no longer taking her medication. She is on probation. CPS advised petitioner to immediately seek guardianship.	
✓	Duties/Supp		
	Objections	Court Investigator Jennifer Young's Report filed on 4/11/12.	
	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: KT
			Reviewed on: 4/12/12
			Updates:
			Recommendation:
			File 13 - Ortiz

Petition for Appointment of Probate Conservator of the Person (Prob. C. 1820, 182 2680-2682)

Age: 18		<p>NO TEMPORARY REQUESTED</p> <p>SHANNON COOLEY, Mother, is Petitioner and requests appointment as Conservator of the Person with medical consent powers.</p> <p>Petitioner alleges that a capacity declaration is unnecessary.</p> <p>Petitioner states that at age 2, Tyler was initially diagnosed with “slight” autistic like behaviors, PDD – pervasive developmental disorder, which is one of the multifaceted spectrums of autism. He was subsequently diagnosed with mild mental retardation and severe ADHD, which is now manageable due to his progressively high functioning nature and his access through Petitioner to proper medical care and treatment. Tyler is now a happy, healthy, bright, attentive, respectful, caring, well adjusted, high functioning autistic man, insomuch that he is able to communicate through talking and progressively adaptive social behavior in most situations. However, he is, and foreseeably shall forever remain, unable to sustain any level of proper independent personal / financial care for himself, or to protect himself physically or emotionally from the fraudulent or otherwise ill-intentioned acts of others.</p> <p>Petitioner is prepared to execute her duties, rights, and responsibilities as his legal Conservatress now and for all time.</p> <p>Court Investigator Jennifer Young filed a report on 4-6-12.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Note: Petitioner informed the Court Investigator that she does not wish to pursue the petition.</u></p> <p><u>However, if this matter goes forward, the following issues exist:</u></p> <ol style="list-style-type: none"> 1. Need complete investigation, including advisement of rights and recommendation, from the Court Investigator. 2. Need Capacity Declaration supporting the request for medical consent powers. 3. Need Citation. 4. Need proof of personal service of the Citation with a copy of the petition at least 15 days prior to the hearing on the proposed Conservatee pursuant to Probate Code §1824. 5. Need proof of service of Notice of Hearing with a copy of the Petition on the regional center (CVRC) at least 30 days prior to the hearing pursuant to Probate Code §1822(e). 6. Need Video Receipt per Local Rule 7.15.8. 7. Need order.
DOB: 3-18-94			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail	W		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.	X		
✓ Conf. Screen			
✓ Letters			
Duties/Supp			
Objections			
Video Receipt	X		
✓ CI Report	X		
9202			
Order	X		
Aff. Posting			
Status Rpt			
UCCJEA			
Citation	X		
FTB Notice			

Petition for Appointment of Probate Conservator of the Person (Prob. C. 1820, 182 2680-2682)

Age: 76		NO TEMPORARY REQUESTED ROOSEVELT SCOTT , Son, is Petitioner and requests appointment as Conservator of the Person with medical consent powers and dementia medication powers. Voting rights affected. A Capacity Declaration was filed on 3-8-12. The Capacity Declaration of O'key I. Sams, MD, dated 1-20-12, supports the request for medical consent and dementia medication powers. Petitioner states the proposed Conservatee has dementia. She cannot walk, dress or bathe herself. She wears a diaper and is bedridden. She gets confused easily and does not know what day of the week or what time of day it is. Petitioner does not request conservatorship of the estate as there is no estate to manage. Court Investigator Dina Calvillo filed a report on 3-9-12.	NEEDS/PROBLEMS/ COMMENTS: <u>The Court Investigator advised rights on 3-19-12.</u> <u>Voting rights affected</u> - <u>Need minute order</u>	
DOB: 10-5-35				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.			
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
✓	Video Receipt			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
✓	Citation			
	FTB Notice			
		Reviewed by: skc Reviewed on: 4-11-12 Updates: 4-13-12 Recommendation: File 15 - Dunlap		

Petition for Appointment of Temporary Guardian of the Person (Prob. C. 2250)

Age: 1 month DOB: 03/22/12		<u>GENERAL HEARING 06/07/12</u>		NEEDS/PROBLEMS/COMMENTS:	
		SARITA ROGERS and BRUCE ROGERS, SR., maternal cousins are Petitioners.		<ol style="list-style-type: none"> 1. Need <i>Notice of Hearing</i>. 2. Need proof of personal service of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Temporary Guardian of the Person</i> or <u>Consent and Waiver of Notice</u> or <u>Declaration of Due Diligence</u> for: <ul style="list-style-type: none"> - Lorilla Lehman (conservator of Christina Rae Morrow, mother) - Christina Rae Morrow (mother) - father (unknown) 	
Cont. from		Father: UNKNOWN			
	Aff.Sub.Wit.				
✓	Verified				
	Inventory				
	PTC				
	Not.Cred.				
	Notice of Hrg	x			
	Aff.Mail				
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.	x			
✓	Conf. Screen				
✓	Letters				
✓	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report				
	9202				
✓	Order				
	Aff. Posting				
	Status Rpt				
✓	UCCJEA				
	Citation				
	FTB Notice				
		Mother: CHRISTINA RAE MORROW (a conserved adult)			
		Temporary Conservator of Mother: LORILLA LEHMAN (temporary expires 05/24/12, the hearing date for the general conservatorship)			
		Paternal grandparents: UNKNOWN			
		Maternal grandfather: JON CARSON Maternal grandmother: VIOLET MORROW			
		Petitioner states that the mother is currently under a temporary conservatorship due to her diagnosis of severe mental retardation and cerebral palsy, she has the mental capacity of a 2-3 year old, and as such is not capable of parenting Bradley. Petitioners state that they have had Bradley in their care since he was released from the hospital and state that a temporary guardianship is necessary so that they can take him to medical appointments or take care of any medical issues that may arise. Further, Petitioners state that a temporary guardianship is necessary for them to add Bradley to their medical insurance. Petitioners state that the mother's conservator agrees with the guardianship and has stated that she is not in a position to care for a newborn as well as care for the conservatee.			
				Reviewed by: JF	
				Reviewed on: 04/12/12	
				Updates:	
				Recommendation:	
				File 16 - Rogers	